

No. 22-15961

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**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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DONALD J. TRUMP, LINDA CUADROS, AMERICAN CONSERVATIVE UNION, RAFAEL  
BARBOSA, DOMINICK LATELLA, WAYNE ALLYN ROOT, AND NAOMI WOLF,  
*Plaintiff-Appellant,*

v.

TWITTER, INC. AND JACK DORSEY,  
*Defendants-Appellees.*

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On Appeal from the United States District Court  
for the Northern District of California, No. 3:21-cv-0837-JD (Donato, J.)

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**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO  
FILE ANSWERING BRIEF**

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January 13, 2022

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## **INTRODUCTION**

Defendants hereby move the Court for a 35-day extension of time to file their answering brief in this matter, up to and including March 15, 2023. Plaintiffs and the United States do not oppose the extension request.

## **BACKGROUND**

This appeal arose out of a civil action filed by former President Donald Trump, Naomi Wolf, and several other current and former users of Twitter’s services. District Court ECF Nos. 1, 21. After the district court granted Defendants’ motion to dismiss, Plaintiffs filed this appeal on June 28, 2022. Plaintiff Wolf subsequently retained separate counsel for the appeal. Holtzblatt Decl. ¶ 4. After receiving multiple extensions, Plaintiff Wolf filed her opening brief on November 14, 2022, and all other Plaintiffs filed their opening brief on December 9, 2022. Holtzblatt Decl. ¶¶ 4, 5. Defendants obtained a single streamlined extension of time to file their answering brief and have sought no other extension of time beyond the streamlined extension. Holtzblatt Decl. ¶ 5. Defendants’ answering brief is currently due February 8, 2023. Holtzblatt Decl. ¶ 2. Defendants now request a 35-day extension, up to and including March 15, 2023.

## **ARGUMENT**

Pursuant to Circuit Rule 31-2.2, a party may seek an extension of time “by a showing of diligence and substantial need.” There is good cause to grant such relief

here.

As set forth in the accompanying declaration, Defendants' counsel has multiple competing deadlines in the coming weeks, including a reply brief in support of summary judgment due on January 23, 2023 and oral argument (for which counsel is second chair) on February 6, 2023 regarding cross-motions for summary judgment and seven other related motions in *Masimo Corp. v. Apple Inc.*, No. 20-cv-00048 (C.D. Cal.); a motion to dismiss or other response currently due on January 30, 2023 in *Ashton-Cirillo v. Twitter*, 3:23-CV-00086-LB (N.D. Cal.); a reply brief due no later than February 9, 2023 in *Khosla Ventures IV, L.P v. Neutron Holdings, Inc.*, No. A165507 (Cal. Ct. App.); a reply brief due on February 10, 2023 and oral argument (for which counsel is second-chair) on February 22, 2023 in *Twitter v. Tamneh*, No. 21-1496 (U.S.); a motion to dismiss due on February 10, 2023 in *Mercola v. YouTube, et. al.*, No. 3:22-cv-05567-LB (N.D. Cal.); and an opening brief due on February 21, 2023 in *Yuga Labs. Inc. v. Ryder Ripps*, No. 22-56199 (9th Cir.). Holtzblatt Decl. ¶ 6. Lead counsel also contracted COVID-19 in late December, which impeded his work on the brief in this case. Holtzblatt Decl. ¶ 7. In addition, the separately represented Plaintiffs in this appeal have filed two opening briefs, which together total 19,211 words. *See* Dkt. 35, 51. A modest extension will allow defense counsel to fully respond to Plaintiffs' two briefs.

No party will suffer prejudice from granting this relief. The extension Defendants seek is short and will not unduly delay the appeal. Indeed, Plaintiffs and the United States do not oppose this request for an extension.

/s/ Ari Holtzblatt  
ARI HOLTZBLATT

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 13 day of January, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ Ari Holtzblatt

ARI HOLTZBLATT

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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**9th Cir. Case Number(s)** 22-15961

I am the attorney or self-represented party.

**This brief contains 491 words**, excluding the items exempted by FRAP 32(f). The brief's type size and typeface comply with FRAP 32(a)(5) and (6).

I certify that this brief (*select only one*):

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**Signature** s/ Ari Holtzblatt **Date** January 13, 2023  
(use "s/[typed name]" to sign electronically-filed documents)